

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M.)
HALEY, EXECUTIVE DIRECTOR,)
ex rel. DEANNA GILMAN,)

Complainant,)

v.)

ASCHR No. J-11-028

KENDALL FORD ALASKA LLC,)

Respondent.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Deanna Gilman, hereby alleges the following against Respondent Kendall Ford:

1. Respondent Kendall Ford Alaska LLC ("Kendall") is an Oregon limited liability company that operates several Alaska automobile dealerships, including one registered as Kendall Ford of Wasilla ("Wasilla Dealership") in Wasilla, Alaska.

2. Deanna Gilman was employed by Kendall in the Wasilla Dealership as a commission-based vehicle salesperson from March 2010 to January 2011. Ms. Gilman had no performance problems as a salesperson.

3. At all times relevant herein, Kendall's General Manager, Grant Olson, was responsible for hiring and supervising vehicle sales staff at the Wasilla Dealership.

4. During her employment, Ms. Gilman was the only female vehicle salesperson at the Wasilla Dealership.

1 5. In November 2010, Ms. Gilman requested permission to take
2 approximately three weeks of unpaid leave, noting that she would ensure that her shifts
3 were covered by other employees. She advised Mr. Olson that she needed that length of
4 time in order to visit a critically ill relative.
5

6 6. In December 2010, Mr. Olson gave Ms. Gilman verbal approval to take the
7 three weeks of unpaid leave that she had requested.
8

9 7. After that approval, Ms. Gilman purchased airline tickets and made
10 arrangements with coworkers to cover her shifts during her unpaid leave.
11

12 8. On approximately January 5, 2011, two days before she was scheduled to
13 depart, Mr. Olson advised Ms. Gilman that the requested time was excessive and
14 demanded that Ms. Gilman shorten the duration of her unpaid leave.
15

16 9. Ms. Gilman advised Mr. Olson that did not believe she could change her
17 travel plans at that late date. She attempted to discuss the matter further, but Mr. Olson
18 refused to speak with her and walked away from her when she attempted to to so. She
19 continued to work up until her scheduled departure date.
20

21 10. On January 7, 2011, Ms. Gilman left on her perviously approved unpaid
22 leave. When she returned to work on January 28, 2011, Mr. Olson advised Ms. Gilman
23 that her employment had been terminated for job abandonment.
24

25 11. In 2010, at least one other male salesperson had his request for
26 approximately three weeks of leave approved by Mr. Olson.
27
28

**FIRST CAUSE OF ACTION
TERMINATION BECAUSE OF SEX
A VIOLATION OF AS 18.80.220(a)(1)**

12. Paragraphs 1-11 above are realleged and incorporated herein.

13. Ms. Gilman worked for Respondent as a vehicle salesperson hired in the Wasilla Dealership.

14. Ms. Gilman had no performance problems while working at the Wasilla Dealership and was well qualified for her job.

15. Ms. Gilman requested permission to take unpaid leave, during which time she would ensure that her shifts would be covered by other employees. Ms. Gilman did ensure that her shifts were covered.

16. Respondent's General Manager approved Ms. Gilman's leave, and Ms. Gilman relied on that approval by purchasing airline tickets and making other arrangements for her travel.

17. Despite approving Ms. Gilman's leave, Respondent's General Manager demanded that Ms. Gilman shorten her unpaid leave after Ms. Gilman had already made significant commitments in reliance on the General Manager's prior approval.

18. Ms. Gilman attempted to clarify her ability to take three weeks of unpaid leave with the General Manager before she left on leave, but the General Manager would not speak with her.

19. Respondent's General Manager had approved leave of similar length for a male vehicle salesperson.

ACCUSATION – Page 3

ASCHR, Paula M. Haley, Executive Director, ex rel. Deanna Gilman v. Kendall Ford Alaska LLC, ASCHR No. J-11-028

20. When she attempted to return to work, Ms. Gilman was advised that her employment had been terminated on the grounds of job abandonment.

21. As a result of Ms. Gilman's different treatment on the basis of her sex, she suffered damages in the form of lost wages and benefits.

PRAYER FOR RELIEF

Wherefore, the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent Kendall Ford Alaska LLC violated AS 18.220(a)(1) by terminating Deanna Gilman's employment because of her sex.

2. That the Commission order that Respondent Kendall Ford Alaska LLC adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law.

3. That the Commission order that Respondent Kendall Ford Alaska LLC obtain in-person training of at least three hours in length for its managers and supervisors on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, and that such order specify that the trainer and training curriculum be approved by the Executive Director prior to the training being conducted.

4. That the Commission order that Respondent Kendall Ford Alaska LLC eliminate from Ms. Gilman's personnel records all documents and entries relating to the facts and circumstances that led to Ms. Gilman's filing of the above-captioned charge and any of the related events occurring thereafter.

ACCUSATION – Page 4

ASCHR, Paula M. Haley, Executive Director, ex rel. Deanna Gilman v. Kendall Ford Alaska LLC, ASCHR No. J-11-028

1 5. That the Commission order Respondent Kendall Ford Alaska LLC to refrain
2 from penalizing Ms. Gilman in any way in future considerations for employment and, if
3 rehired, for transfers, promotions, or upgrading because Ms. Gilman complained about
4 discrimination or because he filed a complaint with the Commission.
5

6 6. That the Commission order Respondent Kendall Ford Alaska LLC to refrain
7 from advising or informing any other employer or potential employer of Ms. Gilman of the
8 facts or circumstances involved in this case.
9

10 7. That the Commission order Respondent Kendall Ford Alaska LLC to pay
11 back pay, including any lost benefits or remuneration, to Ms. Gilman plus interest at the
12 applicable legal rate, the exact amount of which will be proven at hearing.
13

14 8. That the Commission order Respondent Kendall Ford Alaska to reinstate
15 Ms. Gilman or pay the statutory maximum amount of front pay, including benefits or
16 remuneration, the exact amount of which will be proven at hearing.
17

18 Dated this 14th of October 2013 at Anchorage, Alaska.
19

20 ALASKA STATE COMMISSION
21 FOR HUMAN RIGHTS

22 *signature redacted*

23 By:

24 Laura Clauson Ferree
25 Human Rights Attorney
26 Alaska Bar No. 1305015
27
28